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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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20995	7590	12/01/2004	EXAMINER	
KNOBBE MARTENS OLSON & BEAR LLP			ISMAIL, SHAWKI SAIF	
2040 MAIN STREET			ART UNIT	PAPER NUMBER
FOURTEENTH FLOOR				
IRVINE, CA 92614			2155	

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/904,577	SHERIFF ET AL.	
	Examiner Shawki S Ismail	Art Unit 2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 12 July 2001.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) 1-35 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 36-51 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

1. Claims 36-51 are presented for examination.

Claims 1-35 are withdrawn from examination.

Applicant's claim for priority is acknowledged.

Election/Restrictions

2. Restriction to one of the following is required under 35 U.S.C. 121:
 - I. Claims 1-22 are drawn to a system and method that enables continual presentation of content from a first device to a second device, classified in class 709, subclass 217.
 - II. Claims 23-30 are drawn to a method for the transmission of content from a first device to a second device, classified in class 709, subclass 231.
 - III. Claims 31-35 are drawn to a method for synchronizing digital content across multiple devices, classified in class 709, subclass 248.
 - IV. Claims 36-51 are drawn to a method for alerting and aiding a driver of a vehicle, classified in class 340, subclass 435.

The inventions are distinct, each from the other because of the following reasons:

3. Inventions I, II, III, and IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as a system and method that enables continual presentation of content from a first device to a second device. Invention II allows for the transmission of content from a first device to a second device. Invention III allows for synchronizing digital content

across multiple devices. Invention IV allows for a method of alerting and aiding a driver of a vehicle. See MPEP § 806.05(d).

4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

5. The Office acknowledges the receipt of Applicant's restriction election discussed over the telephone with Attorney John M. Grover on November 24, 2004. Applicant elects without traverse the subject matter of group 4, namely claims 36-51, drawn to a method for alerting and aiding a driver of a vehicle, classified in class 340, subclass 435.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Specification

6. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC §102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 36-39 are rejected under 35 U.S.C. 102(e) as being anticipated by **Markow et al., (Markow) U.S Patent No. 6,087,961.**

9. As to claim 36, Markow teaches a method of alerting a user of a mobile computing device that an emergency or utility vehicle is within a predetermined proximity to the mobile computing device, the method comprising:

receiving on a mobile device, a signal transmitted from one of an emergency vehicle and utility vehicle (col. 1, line 61 – col. 2, line 5); and

when the mobile device determines that the one of the emergency vehicle and utility vehicle is within a predetermined proximity, alerting the user of the mobile device of the presence of the one of the emergency vehicle and utility vehicle (col. 1, line 61 – col. 2, line 5).

10. As to claim 37, Markow teaches the method of claim 36, wherein determining the emergency vehicle or utility vehicle is within a predetermined proximity includes determining an amount of power in the received signal (col. 2, lines 46-51).

11. As to claim 38, Markow teaches the method of claim 36, wherein determining the emergency vehicle or utility vehicle is within a predetermined proximity includes receiving GPS information from the same (col. 4, lines 13-15).

12. As to claim 39, Markow teaches the method of claim 36, wherein the step of alerting the user further comprises reducing an audio level of a presentation of content by the mobile device (col. 3, lines 55-64).

13. Claims 41-42 are rejected under 35 U.S.C. 102(e) as being anticipated by **Marcus et al.**, (Marcus) U.S Patent No. **6,534,884**.

14. As to claim 41, Marcus teaches a method of assisting a driver in positioning of a vehicle, the method comprising:

receiving in a mobile content management device housed in a vehicle, signals from sensor configured to determine a location of an object in proximity to the vehicle (col. 5, lines 49-53); and

presenting to a driver of the vehicle an indication of the location of the vehicle with respect to the object (col. 5, lines 53-60).

15. As to claim 42, Marcus teaches the method of claim 41, wherein the object in proximity to the vehicle is a second vehicle (col. 5, lines 49-53).

16. Claims 44-51 are rejected under 35 U.S.C. 102(e) as being anticipated by **Schofield et al.**, (Schofield) U.S Patent No. **6,690,268**.

17. As to claim 44, Schofield teaches the method of recording information related to the surroundings of a vehicle, the method comprising:

recording in a rewritable memory, information associated with surroundings of a vehicle (col. 57, line 58 – col. 58, line 10);

determining whether an interrupt has occurred (col. 58, lines 42-47);

when an interrupt has occurred, storing at least a portion of the information stored in the rewritable memory, in a computer readable medium (col. 58, lines 42-47).

18. As to claim 45, Schofield teaches the method of claim 44, wherein the interrupt comprises user activation of an input button on a mobile device (col. 58, lines 42-47).

19. As to claim 46, Schofield teaches the method of claim 44, wherein the interrupt comprises a impact sensor (col. 58, lines 36-46).

20. As to claim 47, Schofield teaches the method of claim 44, wherein the recording comprises cyclically recording such that most recently recorded information overwrites the oldest recorded information (col. 58, lines 1-10).

21. As to claim 48, Schofield teaches the method of claim 44, wherein the information about the surrounding of the vehicle is recorded using a sound recording device (col. 57, lines 52-58).

22. As to claim 49, Schofield teaches the method of claim 44, wherein the information about the surrounding of the vehicle is recorded using a camera (col. 57, lines 40-46).

23. As to claim 50, Schofield teaches the method of claim 44, wherein the information comprises information associated with parameters of the vehicle (col. 58, lines 29-36).

24. As to claim 51, Schofield teaches the method of claim 50, wherein the parameters include at least one of speed, direction, engine revolutions, acceleration, and deceleration (col. 58, lines 29-36).

Claim Rejections - 35 USC § 103

25. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

26. Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Markow U.S Patent No. **6,087,961** and in view of **Berstis et al.**, (Berstis) U.S. Patent No. **6,442,473**.

27. As to claim 40, Markow teaches the claimed invention as shown above. Markow does not explicitly teach wherein the utility vehicle includes objects residing on or near a roadway, such as construction signage and detour signage.

Berstis teaches a method and apparatus for presenting traffic information to a driver in a vehicle. Berstis teaches notifying the driver of the vehicle that a traffic signal or traffic signs, such as stop signs, yield signs, construction warning signs, crossing signs, and speed limit signs (col. 3, lines 1-11).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to incorporate Berstis' invention into the invention of Markow in order to create an optimal environment for the driver's needs.

28. Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over Marcus U.S Patent No. **6,534,884** and in view of **Boden et al.**, (Boden) U.S. Patent No. **6,062,161**.

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29. As to claim 43, Marcus teaches the method of claim 41 as shown above. Marcus does not explicitly teach wherein the object in proximity to the vehicle is a portion of the sidewalk.

Boden teaches a vehicle alarm for alerting a driver as a vehicle closely approaches a curb or other object, particularly in the course of parking the vehicle (col.2, lines 16-24).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to incorporate boden's teaching into the invention of Marcus in order to accurately and safely guide the driver when parking close to a curb thus eliminating any unnecessary damages to the vehicle (col. 1, lines 23-29).

Conclusion

30. The Prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Arbinger et al., U.S Patent No. 6,339,382 teaches an emergency vehicle alert system which informs the driver of a motor vehicle that an emergency vehicle is close and it's location relative to the motor vehicle.
- b. Adachi et al., U.S. Patent No. 6,281,786 teaches an obstacle detection system for a vehicle which is capable of detecting nearby and remote objects successfully by use of a combination of electromagnetic wave and ultrasonic wave sensors.
- c. Carr, U.S. Patent No. 5,739,767 teaches he present invention relates to a safety warning system device for vehicles that can detect sirens of

approaching emergency vehicles

- d. Winner et al., U.S. Patent No. 6,326,887 teaches a parking aid system for a motor vehicle.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawki S Ismail whose telephone number is 571-272-3985. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shawki Ismail
Patent Examiner
November 29, 2004




HOSAIN ALAM
SUPERVISORY PATENT EXAMINER